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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,829

09/22/2003

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EXAMINER

SCHNURR, JOHN R

ART UNIT

PAPER NUMBER

2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/667,829

Applicant(s)

KARAOGUZ ET AL.

Examiner

John R. Schnurr

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is in response to Application No. 10/667,829 filed 09/22/2003.

Claims 1-28 are pending and have been examined.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-8 and 10-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Fries (US Patent 6,973,664)**.

Consider **claim 1**, Matz clearly teaches a system supporting media display sequencing, comprising:

a television display at a first location; (**Fig. 1: Client device 104 includes a television screen 116, [0045].**)

storage at the first location for storing media; (**Fig. 3 Client tagged data 316, [0060].**)

a user interface for identifying media as one of idle state media and scheduled media; (**Fig. 12: The user may select a file to be used as a screen saver, [0130].**)

set top box circuitry at the first location communicatively coupled to support consumption of at least one of idle state media and scheduled media by the first television display; (**Fig. 3: User input/output module 318 [0061]**)

Art Unit: 2623

However, Matz does not explicitly teach the set top box circuitry causing the displaying, from the storage, of idle state media when no scheduled media is available.

In an analogous art Fries, which discloses a system for utilizing a set-top box to display a screen saver, clearly teaches the set top box circuitry causing the displaying, from the storage, of idle state media when no scheduled media is available. **(After a predetermined period of time with no user input a screen saver is displayed, column 4 lines 29-34.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by causing the displaying of the idle media when no scheduled media is available, as taught by Fries, for the benefit of preventing a stationary image from being burned into the screen.

Consider **claim 2**, Matz combined with Fries, as in claim 1, clearly teaches the identified media comprises at least one of audio, a still image, video, and data. **([0138] Matz)**

Consider **claim 3**, Matz combined with Fries, as in claim 1, clearly teaches a packet network interface communicatively coupled to the set top box. **([0048])**

Consider **claim 4**, Matz combined with Fries, as in claim 1, clearly teaches the packet network interface is compatible with at least one of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and a wireless infrastructure. **([0048])**

Consider **claim 5**, Matz combined with Fries, as in claim 1, clearly teaches at least one display device at a second location communicatively coupled to the set top box; and the set top box circuitry causing the displaying of idle state media using the at least one display device when no scheduled media is available. **(Fig. 1: Server device 102 communicates with many client devices, [0045].)**

Consider **claim 6**, Matz combined with Fries, as in claim 1, clearly teaches the at least one display device is one of a plasma display, a liquid crystal display, and a TV screen. **(Fig. 1 Television screen 116 [0045])**

Consider **claim 7**, Matz combined with Fries, as in claim 1, clearly teaches at least one media capture device communicatively coupled to the storage. **([0052])**

Art Unit: 2623

Consider **claim 8**, Matz combined with Fries, as in claim 1, clearly teaches the at least one media capture device comprises at least one of a digital camera, a digital camcorder, a DVD player, and a CD player. **([0052])**

Consider **claim 10**, Matz clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

identifying media as one of idle state media and scheduled media based upon input from a user at a first location; **(Fig. 12: The user may select a file to be used as a screen saver, [0130].)**

However, Matz does not explicitly teach:

causing the displaying of the idle state media at the first location according to a user defined sequence, if no scheduled media is available;

refraining from causing the displaying of the idle state media if scheduled media is available.

In an analogous art Fries, which discloses a system for utilizing a set-top box to display a screen saver, clearly teaches:

causing the displaying of the idle state media at the first location according to a user defined sequence, if no scheduled media is available; **(After a predetermined period of time with no user input a screen saver is displayed, column 4 lines 29-34.)**

refraining from causing the displaying of the idle state media if scheduled media is available. **(If user input has been detected a scheduled media is displayed, column 4 lines 24-40.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by causing the displaying of the idle media when no scheduled media is available, as taught by Fries, for the benefit of preventing a stationary image from being burned into the screen.

Consider **claim 11**, Matz combined with Fries, as in claim 10, clearly teaches the identifying is performed using at least one of a set top box, a personal computer, and a television. **([0049] Matz)**

Consider **claim 12**, see claim 2.

Art Unit: 2623

Consider **claim 13**, Matz combined with Fries, as in claim 10, clearly teaches providing the idle state media to a second location (**Fig. 1: Server device 102 communicates with many client devices, [0045] Matz.**) according to a user defined sequence, (**[0138] Matz**) when no scheduled media is available. (**After a predetermined period of time with no user input a screen saver is displayed, column 4 lines 29-34 Matz.**)

Consider **claim 14**, see claim 2.

Consider **claim 15**, Matz combined with Fries, as in claim 10, clearly teaches receiving media from a second location. (**[0048] Matz**)

Consider **claims 16, 17 and 18**, Matz combined with Fries, as in claim 10, clearly teaches the receiving is performed using a packet network, wherein the packet network is the Internet. (**[0048] Matz**)

Consider **claim 19**, Matz combined with Fries, as in claim 10, clearly teaches the second location is a server. (**[0048] Matz**)

Consider **claim 20**, Matz combined with Fries, as in claim 10, clearly teaches the server comprises at least one of at least one of a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. (**[0045] Matz**)

Consider **claim 21**, Matz clearly teaches a method of operating a system supporting user captured media display sequencing, comprising:

receiving media at a first location; (**[0045]**)

identifying the media as one of idle state media and scheduled media based upon input from a user; ; (**Fig. 12: The user may select a file to be used as a screen saver, [0130].**)

However, Matz does not explicitly teach:

causing the displaying of the idle state media at the first location according to a user defined sequence, if no scheduled media is available;

refraining from causing the displaying of the idle state media if scheduled media is available.

In an analogous art Fries, which discloses a system for utilizing a set-top box to display a screen saver, clearly teaches:

Art Unit: 2623

causing the displaying of the idle state media at the first location according to a user defined sequence, if no scheduled media is available; **(After a predetermined period of time with no user input a screen saver is displayed, column 4 lines 29-34.)**

refraining from causing the displaying of the idle state media if scheduled media is available. **(If user input has been detected a scheduled media is displayed, column 4 lines 24-40.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz by causing the displaying of the idle media when no scheduled media is available, as taught by Fries, for the benefit of preventing a stationary image from being burned into the screen.

Consider **claim 22**, Matz combined with Fries, as in claim 21, clearly teaches the idle state media resides on local storage. **(The user device comprises memory devices 204, 208 and 210, [0052], the screen saver may be stored on these devices, [0130] Matz.)**

Consider **claim 23**, Matz combined with Fries, as in claim 10, clearly teaches the scheduled media resides on at least one of local storage, a 3rd party media provider, a 3rd party service provider, a network server, and a broadband head end. **([0045] Matz)**

Consider **claim 24**, see claim 17.

Consider **claim 25**, see claim 2.

Consider **claim 26**, see claim 2.

Consider **claim 27**, see claim 13.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Fries (US Patent 6,973,664)**, as applied to claim 1 above, and further in view of **Takahashi (US Patent 6,308,329)**.

Consider **claim 9**, Matz combined with Fries, as in claim 1, clearly teaches sending data to a user device using the internet.

Art Unit: 2623

However, Matz combined with Fries, as in claim 1, does not explicitly teach the identified media is pushed to the system.

In an analogous art Takahashi, which discloses a system for displaying data received by a STB from a server, clearly teaches the identified media is pushed to the system. **(column 1 lines 57-59)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz combined with Fries, as in claim 1, by pushing the identified media to the system, as taught by Takahashi, for the benefit of delivering the data to the user without the need for user interaction (see column 1 lines 26-32 Takahashi).

5. Claim **28** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Matz (US Patent Application Publication 2004/0261096)** in view of **Fries (US Patent 6,973,664)**, as applied to claim 21 above, and further in view of **Shaffer et al. (US Patent 6,145,083)**, herein Shaffer.

Consider **claim 28**, Matz combined with Fries, as in claim 21, clearly teaches displaying idle state media.

However, Matz combined with Fries, as in claim 21, does not explicitly teach causing, immediately, the displaying of the idle state media based upon user input.

In an analogous art Shaffer, which discloses a system for displaying data received by a STB from a server, clearly teaches causing, immediately, the displaying of the idle state media based upon user input. **(column 5 lines 56-67)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Matz combined with Fries, as in claim 21, by immediately displaying the idle state media based on user input, as taught by Shaffer, for the benefit of allowing the user to lock the device (see column 5 lines 56-67 Shaffer).



**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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